

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

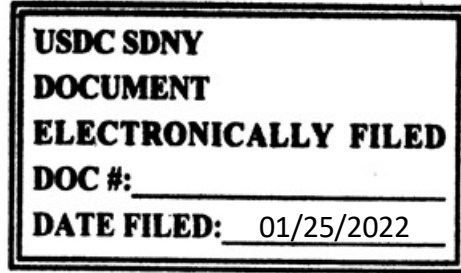
LG Capital Funding, LLC,

Plaintiff,

-against-

Hangover Joe's Holdings Corp.,

Defendant.



1:21-cv-05584 (AJN) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

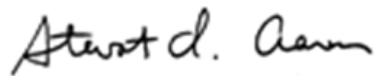
By Order dated January 24, 2022 (Order of Ref., ECF No. 23), Plaintiff's motion for default judgment (Mot. for Default Judgment, 1/7/22, ECF No. 17) was referred to the undersigned for disposition. It is hereby Ordered as follows:

1. Defendant shall file any response to Plaintiff's motion no later than Thursday, February 28, 2022.
2. Plaintiff shall serve a copy of this Order along with Plaintiff's motion papers filed at ECF Nos. 17, 18, 19, 21 and 22 to Defendant by mail to the address reflected in the Affidavit of Service (ECF No. 11) no later than Monday, January 31, 2022, and shall file proof of service promptly thereafter.
3. The Court hereby notifies the parties that it may conduct the damages inquest based solely upon the written submissions of the parties. *See Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC*, 779 F.3d 182, 189 (2d Cir. 2015) (quoting *Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991)); *Cement & Concrete Workers Dist. Council Welfare Fund, Pension Fund, Annuity Fund, Educ. & Training Fund & Other Funds v. Metro*

Found. Contractors Inc., 699 F.3d 230, 234 (2d Cir. 2012) (citation omitted). To the extent that any party seeks an evidentiary hearing on the issue of damages, such party must set forth in its submission the reason why the inquest should not be conducted based upon the written submissions alone, including a description of what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

SO ORDERED.

Dated: New York, New York
January 25, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line. The signature is written in a cursive, slightly slanted style.

STEWART D. AARON
United States Magistrate Judge